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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,475	01/09/2007	Geoffrey F. Hart	M0025.0355/P355	2495
24998	7590	06/28/2007		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER EVANS, GEOFFREY S	
			ART UNIT 1725	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,475	Applicant(s) HART ET AL.	
	Examiner Geoffrey S. Evans	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060619, 20060915</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4-6,15,16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuntze in WO 98/34,789. Kuntze (789) discloses a laser marking system with a marking head (element 1) and a laser emitter (element 5) configured to be carried by a personal load carrying system (element 16). The marking head is displaceable by the arm and hand of the human user in multiple dimensions with respect to the laser emitter.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1,3,7,10, 13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRossett, Jr. in U.S. Patent No. 5,298,717 in view of Krani et al. in U.S. Patent No. 6,362,451 or Schluter et al. in U.S. Patent No. 6,114,651. DeRossett, Jr. has a laser marking system including a laser emitter that is movable (see element 16 in figure 9 and column 7, lines 50-55) that uses a power range for the laser of 10-20 watts (see column 4, lines 47-49) and a plurality of laser conduit sections but does not disclose laser marking head configured to be carried by a person. Krani et al. teaches a laser marking head configured to be carried using a handle (see figure 3 and element 62). Alternatively, Schluter et al. teaches using a handle (see figure 2) to carry or move a laser head. Regarding claim 10, it would be logically desirable for the laser head to be as light as possible for ease of use of the user (less muscle strain).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeRossett, Jr. in U.S. Patent No. 5,298,717 in view of Krani et al. in U.S. Patent No. 6,362,451 or Schluter et al. in U.S. Patent No. 6,114,651 as applied to claim 1 above, and further in view of Dinauer et al. in U.S. Patent Application Publication No. 2002/0198622 A1. Dinauer et al. teaches a laser for marking (see paragraph 108) with a duty ratio of 10-100% (see paragraph 111). It would have been obvious to adapt DeRossett, Jr. in view of Dinauer et al. and Krani et al. or Schluter et al. to provide this to control the laser marking process and it would be further obvious to even the skilled technician to adjust this parameter for optimal marking results.

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7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeRossett, Jr. in U.S. Patent No. 5,298,717 in view of Krani et al. in U.S. Patent No. 6,362,451 or Schluter et al. in U.S. Patent No. 6,114,651 as applied to claim 1 above, and further in view of Clement et al. in U.S. Patent No. 5,563,900. Clement et al. teaches laser marking with a scanning speed of 3,000 mm/sec (1000mm = 1 meter, see column 7, line 19). It would have been obvious to adapt DeRossett, Jr. in view of Clement and Schluter et al. or Krani et al. to provide this to quickly mark the glass substrate.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRossett, Jr. in U.S. Patent No. 5,298,717 in view of Krani et al. in U.S. Patent No. 6,362,451 or Schluter et al. in U.S. Patent No. 6,114,651 as applied to claim 1 above, and further in view of Kennedy et al. in U.S. Patent Application Publication No. 2002/0167974. Kennedy et al. teaches using a Q-switched carbon dioxide laser for laser marking of glass (e.g. see paragraph 19). It would have been obvious to adapt DeRossett, Jr. in view of Kennedy et al. and Krani et al. or Schluter et al. to provide this to efficiently mark glass.

9. Please note that in analyzing claims 10-13 the broadest range has been used. See MPEP section 2173.05(c).

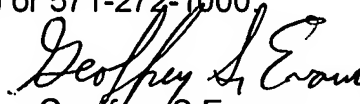
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vassiliadis in U.S. Patent No. 4,473,074 has a portable CO₂ laser and a plurality of laser beam conduit sections. Kunowski et al. in WO 02/38319 A2 has

a portable laser processing system that can be used for engraving. Kuntze in U.S. Patent No. 6,700,094 is of the same patent family as WO98/34,789.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S. Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on (571)-272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey S Evans
Primary Examiner
Art Unit 1725

GSE